REMARKS

The above amendment and these remarks are responsive to the Office Action issued on November 23, 2004. By this response, claim 1 is amended, and claim 26 is newly added. No new matter is added. Claims 1-26 are now active for examination.

The Office Action dated November 23, 2004 allowed claims 6-8, 21-23 and 25. The Examiner indicated that claims 2-5, 10-14 and 16-20 would be allowable if the claims are rewritten into independent form including all of the limitations of the base claim and any intervening claims. However, claims 1, 9, 15 and 24 were rejected under 35 U.S.C. §102(e) as being anticipated by Squires et al. (U.S. Publication No. 2004/0024502). It is respectfully submitted that the rejection is overcome in view of the claim amendment and remarks presented herein.

The Anticipation Rejection of Claim 1 Is Traversed

Claim 1 was rejected as being anticipated by Squries. The rejection is respectfully traversed because Squires does not teach every limitation of claim 1.

Claim 1, as amended, recites:

> A diagnostic system for diagnosing a malfunction during the operation of an instrument that gathers and analyzes real-time data associated with a vehicle, the system comprising:
> one or more information-gathering devices for gathering the real-time data associated with the instrument;
> a memory device in communication with the information-gathering devices for storing the real-time data associated with the instrument; and
> a data replay system in communication with the memory device for playing back the real-time data associated with the instrument after the real time data associated with the vehicle or the instrument was gathered.

Thus, a system of claim 1 records real-time data related to <u>an instrument that gathers and analyzes real-time data associated with a vehicle</u>, for later replay.

On the other hand, Squries describes a computer system that includes sensors 44a, 45a, 46b, 47a, 48a for receiving data related to the operation of a vehicle, and a data logger 1485 for storing the sensed data. The data logger 1485 is used as a "black box recorder" to store information logged during a predetermined amount of time immediately prior to the occurrence of one or more trigger events, such as events indicating that the vehicle has been damaged. See paragraph [0234] and Figs. 15-18 of Squries.

Although Squries appears to have described recordation of data related to the operation of a vehicle, Squires does not disclose recordation of data related to the operation of an instrument that gathers and analyzes real-time data associated with a vehicle. Accordingly, Squires does not teach "A diagnostic system for diagnosing a malfunction during the operation of an instrument that gathers and analyzes real-time data associated with a vehicle, the system comprising: one or more information-gathering devices for gathering the real-time data associated with the instrument; a memory device…for storing the real-time data associated with the instrument; and a data replay system…for playing back the real-time data associated with the instrument after the real time data associated with the vehicle or the instrument was gathered," as required by claim 1. Since Squires fails to teach every limitation of claim 1, Squires cannot support a prima facie case of anticipation. The anticipation rejection is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

The Anticipation Rejection of Claims 9, 15 and 24 Is Overcome

Claims 9, 15 and 24 were rejected as being anticipated by Squries. The anticipation rejection is respectfully traversed because Squires cannot support a prima facie case of anticipation.

Claims 9 and 15 describe recording and replaying real-time alignment data, in order to determine malfunctions of an instrument that gathers and analyzes wheel alignment data. As discussed above, the sensors in Squires only detects the operation of a vehicle, and therefore do not

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collect real-time data related to wheel alignment, as described in claims 9 and 15. Accordingly,

Squires fails to teach every limitation of claims 9 and 15. Since Squires does not disclose every

limitation of claims 9 and 15, Squires cannot support a prima facie case of anticipation. The

anticipation rejection is respectfully traversed. Favorable reconsideration of claims 9 and 15 is

respectfully requested.

Claim 24 was rejected as being anticipated by Squires. It is submitted that Squires does not

teach every limitation of claim 24 and thus cannot support a prima facie case of anticipation.

Claim 24, reproduced below, recites:

> A system for diagnosing a malfunction during the operation of a vehicle test
> instrument comprising:
> means for receiving real-time data associated with the operations of the vehicle test
> instrument;
> a memory device for storing the real-time data;
> means for re-playing the stored, real-time data; and
> a data processor for analyzing the re-played data to diagnose a malfunction of the
> vehicle test instrument.

Thus, a system of claim 24 gathers, stores and replays data related to the operations of the vehicle

test instrument, and diagnoses a malfunction of the instrument based on the replayed data. As

discussed earlier, Squires only gathers and replays data related to a vehicle, not a vehicle test

instrument, as described in claim 24. Consequently, Squires does not teach every limitation of claim

24. It is submitted that the anticipation rejection of claim 24 based on Squires is overcome.

Favorable reconsideration of claim 24 is respectfully requested.

New Claim 26 Is Patentable

By this Response, claim 26 is newly added. Claim 26 relates to a diagnostic system for

diagnosing a malfunction during the operation of an instrument that gathers and analyzes real-time

data associated with a vehicle. The system includes information-gathering devices for gathering the

real-time data associated with the vehicle or the instrument, wherein the information-gathering

devices include an imaging device, such as a camera. A data replay system is provided for playing back the real-time data associated with the vehicle or the instrument after the real time data associated with the vehicle or the instrument was gathered.

As discussed earlier, Squires only discloses recording operation data related to a vehicle. There is no teaching in Squires using <u>imaging devices</u> to gather real-time data regarding the operation of an instrument, for diagnosing malfunctions of the instrument. Accordingly, claim 26 is patentable over Squires. Favorable consideration of claim 26 is respectfully requested.

For the reasons given above, Applicants believe that this application is conditioned for allowance and Applicants request that the Examiner give the application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

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Respectfully submitted,
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Recognized under 37 CFR §10.9(b)

Please recognize our Customer No. 20277 as our correspondence address.

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